



**Department of Health and Human Services
Office of the Commissioner
Policy and Procedure Statement**

Policy # DHHS-04-04

Issue Date: 07/01/04

Revised Date:

I. SUBJECT

Equal Employment Opportunity/Affirmative Action Policy Statement

II. POLICY STATEMENT

The Maine Department of Health and Human Services (DHHS) shall follow both the spirit and the letter of the law as it continues to pursue a policy of non-discrimination in all employment actions, practices, procedures, and conditions of employment.

III. RATIONALE

Historically, DHHS has adhered to a policy of equal employment opportunity and affirmative action. I earnestly reaffirm this policy and advocate a meaningful, results oriented program designed to assist us in the achievement of a high quality and diverse workforce.

IV. PROCEURE STATMENT

1. Recruitment, testing, selection, and promotion will be administered without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability, marital status or whistleblower's activity unless a bonafide occupational qualification exists. Occupational qualifications shall be bonafide job requirements.
2. Further, personnel actions and conditions of employment, such as compensation, benefits, layoffs, releases, job assignments, and discipline shall be administered with the same absence of bias as above, except where based on a bonafide occupational qualification, or where consideration of clients' right to privacy, the security within an institution or the safety of clients, employees, or the general public are considered paramount.
3. Employment decisions will be based on the principles of equal employment opportunity and affirmative action. In making assignments, the gender of the employee/applicant shall be given consideration only relative to the privacy interest of the client(s), or where clinically indicated. Such gender-based assignments will be narrowly construed and in strict adherence to established Departmental procedure.

4. Reasonable accommodations will be made for any otherwise qualified individual – applicant or employee - in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.
5. Managerial and supervisory personnel are responsible for awareness of and response to potential discriminatory situations. Supervisory employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint. No manager or supervisor may act in a retaliatory or harassing manner toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.
6. The Department will attempt to address and resolve employee complaints regarding discrimination and harassment as expeditiously as possible.

The responsibility for the implementation, monitoring, and recordkeeping of the equal employment opportunity/affirmative action programs is given to the Department's Equal Employment Opportunity Coordinators. Their responsibilities will include providing technical assistance to departmental staff in EEO matters, identifying actual or potential discrimination, and assisting management to affect appropriate and satisfactory resolutions. For questions or technical assistance, contact one of the EEO Coordinators at:

287-4289 (V), 287-2000 (TTY) -OR- 287-3488 (V), 287-4479 (TTY)

The State EEO Coordinator in the Bureau of Human Resources is also available as a resource to any state employee or supervisor, and may be reached at 624-7368 (V), 287-4537 (TTY).

I sincerely appreciate the continued cooperation and support of all employees and supervisors in making the Department a truly equal opportunity employer and a positive example for other employers in the State.

V. DISTRIBUTION

All staff

07/01/04

Effective Date

John R. Nicholas
Commissioner